



PUBLIC NOTICE

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TV BROADCASTER RELOCATION FUND FILING DEADLINE APPROACHES IN SIXTY DAYS

MB Docket No. 16-306
GN Docket No. 12-268

1. The Incentive Auction Task Force and Media Bureau (Bureau) remind all full power and Class A TV stations assigned transition completion dates in phases 1-5 of the Transition Scheduling Plan,¹ and repacked stations that were granted permission to transition prior to the phase 1 testing period,² that they must submit all remaining invoices for reimbursement from the TV Broadcaster Relocation Fund (Reimbursement Fund or Fund) using the Reimbursement Form no later than **October 8, 2021**.³

2. As previously stated, we do not anticipate a need to grant extensions of the assigned invoice submission deadlines.⁴ When we established final invoice filing deadlines, we balanced the burden on entities that have ongoing construction work against the need for Commission staff (with the support of the Fund Administrator) to have sufficient time to fully process all reimbursement requests and complete close-out procedures⁵ prior to the July 3, 2023 deadline, after which any unobligated amounts in

¹ See *Incentive Auction Task Force and Media Bureau Adopt Post-Incentive Auction Transition Scheduling Plan*, Public Notice, 32 FCC Rcd 890 (IATF/MB 2017).

² A station that was granted permission to change phases is assigned to the deadline associated with its revised phase completion date.

³ See *Invoice Filing Deadlines for TV Broadcaster Relocation Fund*, Public Notice, 35 FCC Rcd 11273 (MB/IATF 2020) (*Invoice Filing Deadline PN*); *Invoice Filing Deadlines for TV Broadcaster Relocation Fund Reimbursement Begin on October 8 2021*, Public Notice, DA 21-404, 2021 WL 1328925 (MB/IATF Apr. 8, 2021) (*Six Month Reminder PN*).

⁴ *Invoice Filing Deadline PN*, 35 FCC Rcd at 11277-78, para 13; *Six Month Reminder PN*, at *2, para 5. In the unlikely event that an entity faces circumstances beyond its control, we will consider a limited extension by means of shifting an entity with the first or second deadline assignment to the second or third deadline assignment. An entity requesting such a shift will have to provide evidence that circumstances requiring the extension were outside of its control, such as local zoning or a force majeure event occurring proximate to the final submission deadline. Note that we will not consider the availability of reimbursement for specific purchases a mitigating factor in evaluating extension requests. Furthermore, we advise entities that we will not be able to grant extensions that do not provide the staff with sufficient processing time to complete close-out procedures for all stations. Thus, an entity's failure to complete construction in a timely manner and to make final submissions by the assigned deadlines could preclude that entity from receiving full reimbursement because unobligated amounts in the Fund must be rescinded to Treasury by July 3, 2023. Requests for a limited extension should be filed as a legal STA in LMS between 30 to 40 days before the station's assigned deadline. Waiver of the filing fee may be selected when filing the STA in LMS.

⁵ See *Incentive Auction Task Force and Media Bureau Report on the Status of the Post-Incentive Auction Transition and Reimbursement Program; Announce a Further Allocation from the Relocation Fund; and Announce Procedures* (continued....)

the Fund will be rescinded and deposited into the U.S. Treasury.⁶ All 510 repacked stations that make up this group vacated their pre-auction channels prior to September 11, 2019, and all but 11 of them are operating on their final facilities. Close-out procedures to complete entities' participation in the Reimbursement Fund were announced on February 16, 2019.⁷ The upcoming October 8, 2021 invoice filing deadline was also announced a year in advance.⁸ We have consistently, strongly encouraged all entities to submit all remaining invoices and initiate close-out procedures as early as possible without waiting for the deadline.⁹

3. Currently, 964 of the 987 total repacked full power and Class A TV stations are operating on their final facilities.¹⁰ The remaining 23 stations have been granted special temporary authority and revised construction permit deadlines to complete their final facilities. The number of entities participating in the Reimbursement Fund currently totals 2,104.¹¹ All participants have received allocations of 92.5 percent of each entity's verified estimates.¹² Despite the significant progress made toward completing the transition, reimbursing incurred costs, and making available close-out procedures,¹³ only 189 entities have initiated interim close-out procedures as of August 3, 2021.¹⁴ In addition, 324 entities have not submitted any invoices at all.¹⁵ Consistent with our experience in

for Eligible Entities to Close Out Accounts in the Fund, Public Notice, 34 FCC Rcd 304 (MB/IATF 2019) (*Close Out Procedures PN*).

⁶ 47 U.S.C. § 1452(j)(1)(A)-(B).

⁷ See *Close-Out Procedures PN*, 34 FCC Rcd 304.

⁸ See *Invoice Filing Deadline PN*, 35 FCC Rcd 11273.

⁹ See *e.g., id.* at 11273. Further, the October 8, 2021 deadline is more than a year after the July 13, 2020, post-incentive auction transition period deadline. We utilized a phased approach for invoice filing deadlines, recognizing that repacked stations with phase assignments earlier in the transition period were more likely to have completed their transition to final facilities, completed all construction, and incurred all costs. We further considered that MVPDs, FM stations, and LPTV/translator stations may incur expenses toward the end of the program. The phased approach thus allows us to sequence the Fund Administrator's and Commission staff's processing work because a deluge of filings at the program's end jeopardizes the timely completion of the program and could prevent entities from receiving full reimbursement for their expenses. We also recognized that program participants require human capital to complete the close-out process, and we believe the phased approach will lessen that resource burden. *Id.*

¹⁰ *Incentive Auction Closing and Channel Reassignment Public Notice; The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786 (IATF/MB/WTB 2017).

¹¹ This includes 957 repacked full power and Class A TV stations, 877 LPTV/translator stations, 90 FM stations, and 180 MVPDs.

¹² See, *e.g., Incentive Auction Task Force and Media Bureau Report on Status of the Post-Incentive Auction Reimbursement Program and Announce a Further Allocation from the TV Broadcaster Relocation Fund for LPTV/translator Stations*, DA21-21 (MB/IATF 2021).

¹³ As of August 3, 2021, the total of all verified estimates was over \$2.231 billion, the total allocation was over \$2.062 billion, about \$1.600 billion had been forwarded to Treasury for payment, and over \$34 million in invoices were under review.

¹⁴ This figure includes 55 repacked stations and 134 LPTV/translator stations.

¹⁵ This figure includes 5 repacked stations, 151 LPTV/translator stations, 10 FM stations, and 158 MVPDs. Entities are reminded that they must also satisfy the Commission's procedures for submission of banking instructions using Form 1876 prior to receiving any payment from the Reimbursement Fund, which can take over a month to complete. For example, payments cannot be made until a station's Form 1876 has been approved – a process that can take several weeks. See *The Incentive Auction Task Force and Media Bureau Announce Procedures for Submitting Financial Information Required for Disbursement of Reimbursement Payments*, Public Notice, 34 FCC Rcd 7070

(continued....)

managing the Fund to date, we expect that the number of reimbursement requests will continue to increase over the life of the Fund.

4. Again, we urge all entities in the program to initiate interim close-out procedures as soon as they complete their construction projects and have incurred and submitted invoices for all of their reimbursable costs.¹⁶ Entities should not delay making final submissions to the program and initiating interim close-out procedures. Payments up to the total amount of each entity's allocation are available upon processing of documents reflecting reasonably incurred costs. We will not be able to make a final allocation up to the full amount of costs incurred until all or virtually all invoices for incurred costs are submitted, or at such time as we can reasonably extrapolate that the total available funding will be sufficient to meet the total cost of the program.

5. All repacked stations assigned to phases 6 through 10 must submit all remaining invoices and supporting documentation using the Reimbursement Form, and initiate interim close-out procedures, no later than **March 22, 2022**. All 444 repacked stations in this group had transitioned by the July 13, 2020 post-incentive auction transition deadline.¹⁷ Currently, all but 12 such stations are operating on their final facilities.

6. All MVPDs, FM stations, and LPTV/translator stations who intend to seek reimbursement must submit all remaining invoices and supporting documentation using the Reimbursement Form, and initiate interim close-out procedures, no later than **September 5, 2022**.

7. Entities that have not submitted any invoices and do not plan to submit any invoices should contact the Fund Administrator immediately to close out their accounts. Any entity that has failed to file any invoices or initiated interim close-out procedures by the invoice filing deadline assigned to that entity will be closed out of the reimbursement program on that filing deadline date, and any allocations made to that entity's account will be returned to the Fund and available for allocation to other entities in the reimbursement program.

8. We also remind entities that we have established procedures to ensure compliance with Fund guidelines. For example, entities may be selected for audits, data validations, and site visits at any time during the repack and reimbursement process, i.e., before or after the entity has completed its construction project; during the close-out period; or at a time thereafter. We remind participants that they must retain documents for a period ending 10 years after the date they receive their final payments from the Reimbursement Fund.¹⁸

9. For additional information or questions about the reimbursement process, please call the Reimbursement Help Line at (202) 418-2009, or e-mail Reimburse@fcc.gov.

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(MB/IATF Aug. 15, 2019). Additional support in filing Form 1876 can be found on the Commission's website at <https://www.fcc.gov/about-fcc/fcc-initiatives/incentive-auctions/reimbursement>.

¹⁶ See *supra* note 9.

¹⁷ See *supra* note 2. This phase includes a handful of repacked stations that were granted permission to transition shortly after the end of phase 10 due to circumstances beyond their control and that met the extension dates by the end of September 2020.

¹⁸ See *Invoice Filing Deadline PN*, 35 FCC Rcd at 11278-79, paras. 15-17.